

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRAVIS WILSON,

Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,**

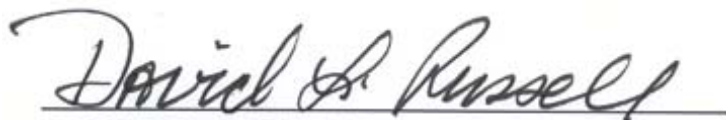
Defendant.

Case No. CIV-11-547-R

ORDER

Plaintiff has filed an application for an award of \$4,306.50 attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. No. 21 Defendant has filed a response to Plaintiff's application, indicating he does not object to an award of EAJA attorney fees in the amount sought. Therefore, Plaintiff's application is GRANTED and Plaintiff is awarded \$4,306.50 in attorney fees pursuant to the EAJA, 28 U.S.C. § 2412(d). In the event Plaintiff's counsel is ultimately awarded attorney's fees pursuant to 42 U.S.C. § 406(b), Plaintiff's counsel must refund the smaller of the EAJA or the 406(b) award that he receives to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 20th day of January, 2012.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE